



C.M.P.No.21655 of 2025
in C.R.P.No.1796 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.P.No.21655 of 2025
in
C.R.P.No.1796 of 2025

R.Rajagopal

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies
O/o Deputy Registrar of Co-operative Societies
Omalur Circle having office at
Kacheri Street
Omalur Taluk & Post
Salem District.

2.The Secretary
S.1073, Kundugal Primary Agricultural
Co-operative Credit Society Ltd
Kundugal, Kadaimpatti Post-638 307
Kadaimpatti Taluk
Salem District.

3.S.Palanisami

4.R.Periasami

5.S.Raghumani

6.R.Settu

7.S.Periathambi

*[Respondents 11 to 3, 6 & 7 remained ex-parte
before the trial court, Hence, notice may be dispensed with]*

... Respondents



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Prayer: Petition filed under Section 151 of the Civil Procedure Code to CRP NO 1796/2025 dated 25/04/2025 in so far as it relates to the direction to deposit Rs.75,00 000/- (Seventy-five lakhs only).

For Petitioner : Mr.S.Kamadevan

ORDER

The Civil Miscellaneous Petition has been filed seeking to modify the order passed by this Court in C.R.P.No.1796 of 2025 dated 25.04.2025 insofar as the direction with regard to deposit of Rs.75,00,000/-.

2. It is the case of the petitioner that the petitioner preferred an appeal challenging the surcharge award dated 20.02.2020 passed under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 by the 1st respondent herein before the Principal District Judge, Salem along with the condone delay petition for condoning the delay of 1065 days however, the same was dismissed. Challenging the same, the petitioner filed a Civil Miscellaneous Petition before this Court in C.R.P.No.1796 of 2025 which was disposed of by this Court vide order dated 25.04.2025 with a direction to the petitioner to deposit a sum of Rs.75,00,000/- before the



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Principal District Judge, Salem for condoning the aforesaid delay in filing the appeal on the basis of the submission made by the petitioner that the petitioner is willing to deposit any specific amount for condonation of delay.

3. Learned counsel appearing for the petitioner submitted that, admittedly, the surcharge order was passed on 20.02.2020, however, due to the nationwide lockdown imposed during the Covid period, the petitioner was unable to prefer the appeal within the prescribed time as he was not in station at the relevant point of time, while disposing the Civil Revision Petition. It is further submitted that, mere submission of the learned counsel for the petitioner that he is ready to deposit any specific amount for condoning the delay in preferring the appeal cannot be construed as concedement and on the basis of such submission, the direction for deposition of Rs.75,00,000/- has been issued which is erroneous. Therefore, he prayed for modification of the direction issued by this Court insofar as the deposition of Rs.75,00,000/- for condoning the delay in filing the appeal.



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4. Having regard to the submissions advanced by the learned counsel for the petitioner as also the materials available on record, this Court is of the view, that no sufficient cause has been shown by the petitioner as to the inordinate delay on the part of the petitioner in preferring the appeal. The petitioner seeks to attribute the delay to the COVID-19 pandemic, however, it is pertinent to note that the nationwide lockdown commenced only on 15.03.2020 which remained in force approximately for a period of three months and thereafter, only partial restrictions were continued.

5. The petitioner further contended that he was out of station, when the revision petition was disposed of and that mere submission of the counsel cannot be construed as he had agreed to make the deposit as ordered by this Court. However, considering the gravity of the lapses on the part of the petitioner, the financial loss incurred by the Society as also the non-compliance of the petitioner with the specific direction of this Court to deposit a sum of Rs.75,00,000/- for condonation of delay, the prayer sought for in this Writ Petition cannot be acceded to and therefore, the order passed by this Court in C.R.P.No.1796 of 2025 does not warrant any interference.



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6. Accordingly, the Civil Miscellaneous Petition is dismissed.

There shall be no order as to costs.

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Nhs

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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